

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

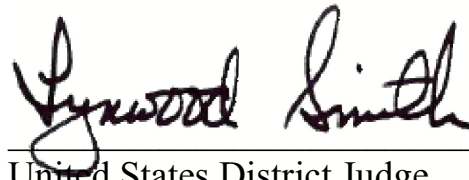
JERRY WAYNE GIVENS,)	
)	
Petitioner,)	
)	
vs.)	Case No. CV05-S-2185-S
)	
JERRY JONES, Warden, and)	
THE ATTORNEY GENERAL OF)	
THE STATE OF ALABAMA,)	
)	
Respondents.)	

ORDER DENYING PETITION

The magistrate judge filed his report and recommendation in this cause on April 17, 2007, recommending that the petition be denied and dismissed pursuant to 28 U.S.C. § 2254(d)(1). The petitioner filed his objections to the report and recommendation on May 4, 2007. Having now carefully reviewed and considered *de novo* the report and recommendation, the objections to it, and all other materials in the court file, the court finds that petitioner's objections are due to be, and they hereby are, OVERRULED. The magistrate judge's report is due to be ADOPTED, and his recommendation ACCEPTED.

Accordingly, the petition for writ of *habeas corpus* is due to be and hereby is DENIED and DISMISSED. The clerk is directed to close this file.

DONE this 12th of June, 2007.

A handwritten signature in black ink, reading "Lynwood Smith". The signature is written in a cursive style with a large initial "L".

United States District Judge